



## TOWN OF FRANKLIN

### RESOLUTION 22- 65

**TOWN OF FRANKLIN'S EXERCISE OF TOWN'S  
CHAPTER 61A, SECTION 14 FIRST REFUSAL OPTION,  
RE: LAND OF SCHMIDT'S FARM, INC. OFF PROSPECT  
STREET, NORFOLK COUNTY REGISTRY OF DEEDS  
TITLE REFERENCE: BOOK 11712, PAGE 405**

**WHEREAS**, Schmidt's Farm, Inc., a duly-organized Massachusetts business corporation is the titleholder of record (hereinafter: "Landowner") of a parcel of land described in a deed recorded at Norfolk County Registry of Deeds in Book 11712 at Page 405, containing a total of 115 acres, more or less according to said deed, said land also being shown on Town of Franklin Assessor's Map 325 as Lot 3 and also being shown on a plan of land captioned "Definitive Subdivision Plan of Land Schmidt's Farm, Inc. 215 Prospect Street Franklin Massachusetts" dated September 21, 2022 prepared by Guerriere & Halnon, Inc. on file with the Town of Franklin, Town Clerk's Office (hereinafter: "Land"), and

**WHEREAS**, Landowner has placed "Land" under the provisions of G.L. Chapter 61A as agricultural land, and

**WHEREAS**, G.L. Chapter 61A, Section 14 provides that in the event of an intended conversion of agricultural land, without sale, to a nonagricultural use, a municipality has a first refusal option to purchase said land, and

**WHEREAS**, Landowner has given written notice to Town of Franklin (hereinafter "Town") of its intent to convert "Land", and

**WHEREAS**, G.L. Chapter 61A, Section 14 further provides that, in the event of an intended conversion of agricultural land without sale, the parties are to employ a specified appraisal process to arrive at an agreed-upon price and Landowner and Town have done so, and

**WHEREAS**, the Franklin Town Council held a public hearing on October 5, 2022 in accordance with the provisions of G.L. Chapter 61A, Section 14, and

**WHEREAS**, by Resolution 22-64 the Franklin Town Council appropriated a sum of money, to acquire "Land" through Town's exercise of its first refusal option, said appropriation to be met by borrowing pursuant to the provisions of G.L. Chapter 44B, Section 11.

**NOW THEREFORE, BE IT RESOLVED** by the Franklin Town Council, on behalf of the Town of Franklin, as follows:

1. The Town of Franklin hereby exercises its first refusal option to purchase "Land", as described above, excepting only approximately two acres, together with access thereto to be reserved by Landowner to construct a single-family residence for its principal, said reserved land shown as Lot 1 together with a right of access over Parcel A, also shown on the above-referenced plan of land for the purchase price of three million, eight hundred thousand dollars (\$3,800,000).

2. The Franklin Town Council directs that a copy of this vote be mailed to Schmidt's Farm, Inc. ("Landowner") by certified mail as notice of Town's exercise, together with a copy of Town's proposed purchase and sales agreement described in the next paragraph and that an attested copy of this vote also be recorded at Norfolk Registry of Deeds, all as provided in G.L. Chapter 61A, Section 14.
3. The Franklin Town Council hereby approves the proposed purchase and sales agreement for Town's purchase of "Land" from Landowner and directs that a copy accompany the notice to Landowner of Town's exercise of its first refusal option, as provided in G.L. Chapter 61A, Section 14.
4. The Franklin Town Council authorizes and directs the Town Administrator, in consultation with the Town Attorney, to negotiate any revision(s) to the terms, and conditions of the purchase and sales agreement with Landowner and to execute same and further authorizes the Town Administrator to execute any other documents and to take any and all other action necessary to consummate Town's purchase of "Land".

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

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**DATED:** \_\_\_\_\_, 2022

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A TRUE RECORD ATTEST:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

**Nancy Danello, CMC**  
**Town Clerk**

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**Glenn Jones, Clerk**  
**Franklin Town Council**